

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

BENJAMIN DISINGER,

Plaintiff,

v.

PRESTIGE ART STUDIOS LLC, and
MARK LITTLE,

Defendants.

Civil Action No.: 1:17-cv-01409

DECLARATION OF DAVID C. DEAL

I, DAVID C. DEAL state the following:

1. I am over the age of eighteen (18) and otherwise competent to testify.
2. I am the attorney for Plaintiff, Benjamin Disinger (“Disinger”) in the above-styled case.
3. Plaintiff filed Plaintiff’s Motion for Entry of Final Judgment by Default Against Defendant Prestige Art Studios LLC (“Prestige”) and Incorporated Memorandum of Law (“Motion for Entry”) in the above-styled case on February 10, 2018 [ECF No. 13].
4. In the above-mentioned Motion for Entry of Final Judgment, Plaintiff requested entry of a final judgment in favor of Disinger for \$15,750.00. [ECF No. 13].
5. Prestige copied and posted “Santa Monica Pier Ferris Wheel,” (“Copyrighted Photograph”) the photograph at issue in this case to four distinct URLs. [Complaint ¶ 11, 14, Ex. 4-7].
6. Actual damages and attributable profits are applicable in this case based on Plaintiff’s registration of Copyrighted Photograph. [Disinger Decl., Ex. 2].

7. Copyright infringement may be considered willful when a defendant defaults and decides not to defend against the action. [ECF No. 6, 12].
8. The court has wide discretion in determining the amount of actual damages to be awarded pursuant to 17 U.S.C. § 504(b).
9. The court has wide discretion in awarding attorneys' fees and costs pursuant to 17 U.S.C. § 505.

I swear of affirm the foregoing is true and correct under penalties of perjury.

DATED: April 2, 2018



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